

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREDDY M. MOROCHO, WALTER
TACURE on behalf
of themselves and others
similarly situated,

Plaintiffs,

- against -

GEORGE C. KELLY, and NYACK
COLONIAL CAR WASH, INC.

Defendants.

INDEX NUMBER: 07 CIV. 2979

AFFIDAVIT OF FREDDY MOROCHO

FREDDY MOROCHO, of full age, being duly sworn upon his oath,
deposes and says:

1. I am the Plaintiff in this matter.
2. Walter Tacure is not my uncle or my cousin.
3. I was not promoted to Operations Manager of the Nyack Colonial Car Wash, Inc. (hereinafter "Car Wash") in 1999.
4. At all times that I was employed by Car Wash, I was paid in cash.
5. In addition, I was required to make up part-day absences by working additional hours on other days.
6. George Kelly was my superior throughout my tenure at the Car Wash. Mr. Kelly was responsible for scheduling and hiring employees.
7. For more than 95% of my time on an average workday, I spent time opening the Car Wash, washing the cars, finding a quick repair and later fixing the machines if they break down, replenishing the chemicals in the machines, cleaning and taking the garbage to the dumpster, collecting money from customers, and

drying cars.

8. I spoke with George Kelly several times concerning my request for unpaid overtime and a share of the tips.

Dated: June 28, 2007

Freddy Morochto
FREDDY MOROCHO
Sworn and Subscribed to

before me this 28th day
of June, 2007.

[Signature]
NOTARY PUBLIC

KAREN L. ZDANIS
Notary Public, State of New York
No. 00206101904
Qualified in Rock County
Commission Expires 11/17/2007